





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Sabbatino

Serial No.: 10/809,298

For: A CONNECTION ARRANGEMENT FOR OPTICAL  
COMMUNICATION SYSTEMS

Filed: March 25, 2004

Examiner: Kaveh C. Kianni

Art Unit: 2883

Confirmation No.: 1499

Customer No.: 27,623

Previous Attorney Docket No.: 36040150 US-01

Current Attorney Docket No.: 0002656USU

**Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action dated May 31, 2006, Applicant respectfully files herewith a Notice of Appeal and requests review before filing an appeal brief.

**Related Appeals**

The undersigned attorney is not aware of any related appeal and/or interference.

**Status of the Claims**

Claims 1-4 and 6-9 are pending in the present application. Claims 1, 3, and 6 are independent. Independent claims 3 and 6, as well as dependent claim 4, have been allowed.

Independent claim 1, as well as dependent claims 2 and 7-9, were finally rejected under 35 U.S.C. §103 over U.S. Publication No. 2004/0145452 A1 to Fujieda et al. (Fujieda).

### Clear Errors for Review

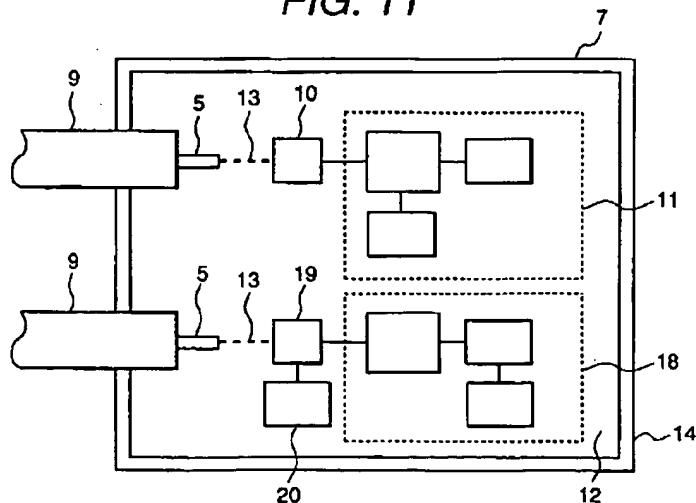
The final rejection of claims 1, 2 and 7-9 under 35 U.S.C. §103 over Fujieda is clearly erroneous and requires review.

Independent claim 1 requires “an electrical subassembly”, “an optical subassembly”, and “an associated electrical connection including at least one electrical lead extending therebetween”. Further, independent claim 1 requires “at least electrically non-conductive absorber body arranged to at least partly cover said at least one electrical lead (emphasis added)”.

The Final Office Action asserts, with respect to Figure 11, that the wire extending from laser driver circuit 11 to laser device 10 and the wires extending between circuit 18, PD 19, and element 20 are the claimed “at least one electrical lead”.

Figure 11 is reproduced below for the convenience of the Board.

*FIG. 11*



Fujieda discloses an electromagnetic wave absorbing layer that is arranged inside of a metal cap 5. See paragraph [0059] of Fujieda. As is clearly seen from Figure 11, metal cap 5 does not “at least partly cover” any of the asserted electrical leads as is required by claim 1.

The Final Office Action responded to Applicant’s assertion that Fujieda does not disclose or suggest that the electromagnetic wave absorbing layer “at least partly cover” the electrical lead as required by claim 1. Specifically, the Final Office Action asserted that Fujieda discloses this limitation at paragraph [0012] and asserts that this limitation is widely conventional and supports this assertion via paragraph [0007].

Paragraph [0007] broadly discloses the use of a radio wave absorbing material inside an electronic device to reduce EMI that will appear inside the device. However, this particular section of Fujieda simply does not disclose or suggest the combination claimed where the electrically non-conductive absorber body is arranged to at least partly cover said at least one electrical lead. Rather, this section of Fujieda is silent as to the location or arrangement of the radio wave absorbing material.

Paragraph [0012] merely discusses the particular electromagnetic wave absorption material disclosed by Fujieda. However, this particular section of Fujieda also does not disclose or suggest the combination claimed where the electrically non-conductive absorber body is arranged to at least partly cover said at least one electrical lead. Rather, this section of Fujieda is also silent as to the location or arrangement of the radio wave absorbing material.

Therefore, it is respectfully submitted that Fujieda simply does not disclose or suggest the at least electrically non-conductive absorber body arranged to at least partly cover said at least one electrical lead” required by claim 1.

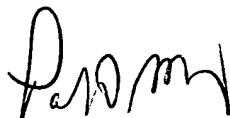
Accordingly, claim 1 is believed to be in condition for allowance. Claims 2 and 7-

9 are also believed to be in condition for allowance for at least the reason that they depend from claim 1. Reconsideration and withdrawal of the rejections to claims 1, 2, and 7-9 are therefore respectfully requested.

In view of the above, it is respectfully submitted that the final rejection is clearly erroneous and, as such, the present application is in condition for allowance. Reconsideration and withdrawal of the rejection to claim 1, 2, and 7-9 and passage of the present application to issuance are respectfully requested. Such action is solicited.

Respectfully submitted,

6/30, 2006



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